

FILED
UNITED STATES DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAN 25 2005

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Cañones Creek, Section 7

Subfile No.: CHCC-003-0004

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

GONZALO H. MARTINEZ FAMILY TRUST

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Cañones Creek, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama

Stream System. Cañones Creek, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s): 0640, 0641, and 0641-A

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of Cañones Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: CAÑONES DITCH NO. 1

Location: X= 1,548,337 feet Y= 2,114,510 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

| | |
|----------------------------------|-----------|
| Within the Tierra Amarilla Grant | 8.6 acres |
| Total | 8.6 acres |

As shown on the 2000 Hydrographic Survey Map CHCC- 3.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s): NONE

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of Cañones Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: CAÑONES DITCH NO. 2

Location: X= 1,546,783 feet Y= 2,113,372 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

| | |
|----------------------------------|-----------|
| Within the Tierra Amarilla Grant | 3.0 acres |
| Total | 3.0 acres |

As shown on the 2000 Hydrographic Survey Map CHCC- 3.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

C. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s): 02566 and 966

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: BARRANCO DITCH

Location: X= 1,544,827 feet Y= 2,109.686 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

| | |
|----------------------------------|-----------|
| Within the Tierra Amarilla Grant | 3.6 acres |
| Total | 3.6 acres |

As shown on the 2000 Hydrographic Survey Map CHCC- 3.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Cañones Creek, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.


IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Cañones Creek, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER

ACCEPTED:

Gonzalo H. Martinez (Trustee)
GONZALO H. MARTINEZ FAMILY TRUST

ADDRESS:

4504 STOCKBRIDGE, AVE. N/W
ALBUQUERQUE
NEW MEXICO 87120

DATE:

6-7-04

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

11.18.04
Date